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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,737	11/13/2003	David C. Conway-Jones	GB920020074US1	2702

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IBM CORP (YA)
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P.O. BOX 802333
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EXAMINER

WALSH, JOHN B

ART UNIT	PAPER NUMBER
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2151

MAIL DATE	DELIVERY MODE
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12/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/713,737

Applicant(s)

CONWAY-JONES ET AL.

Examiner

John B. Walsh

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 10-15, 17, 20, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,006,269 to Phaal.

As concerns claims 1, an arrangement for controlling communication between a client application executing on a client unit and an impermanently connected server in a network, comprising: at least one client proxy (web browser; column 4, lines 58-67; abstract), operable when the client unit is not connected for communication with the server, for receiving information from a client application that requires a response from the server for the application to continue operation (column 4, lines 53-57), for storing (column 6, line 55) said information, for generating a substitute server response and sending the substitute response to the client application to allow the client application to continue operation (figure 4a; 66,65); and means for relaying (network connection hardware, NIC, on client) the information to the server when a communications link there between is established.

As concerns claims 2, 12 and 23, an arrangement for impermanent connectivity between a client unit and a server in a network, the arrangement comprising: at the client unit, a client proxy (web browser) for receiving information, for storing (column 6, line 55) said information,

and for relaying (network connection hardware, NIC, on client) said information between the client unit and the server when a connectivity link therebetween is established.

As concerns claims 3 and 13, further comprising server proxy means (31) coupled to the server for cooperating with the client proxy to relay said information between the client unit and the server when connectivity there between is established.

As concerns claims 4 and 14, further comprising messaging means (column 1, lines 15-20) coupled between the client unit and the server for relaying said information as messages across the connectivity link.

As concerns claims 5 and 15, SMTP (column 7, line 38).

As concerns claims 7 and 17, HTTP (column 7, line 34).

As concerns claim 10 and 20, further comprising means for notifying (figure 4a: 66,65) a user of the client unit of an outcome of the relay of information between the client unit and the server.

As concerns claims 11 and 21, wherein the client unit comprises a portable computing device (19).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 8, 9, 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,006,269 to Phaal as applied above.

Phaal discloses the use of various protocols for communication (column 7, lines 33-41).

Phaal does not explicitly disclose POP3 and FTP protocols. However, it would have been an obvious design choice to one of ordinary skill in the art to select the POP3 or FTP protocols and the applicant has not indicated the significance to the patentable operation of the invention.

Response to Arguments

5. Applicant's arguments filed September 27, 2007 have been fully considered but they are not persuasive.

The Applicant argues Phaal does not disclose or suggest a client proxy at a client unit and the admission control system is resident on the server. The Examiner disagrees since Phaal discloses the admission control system is also resident on the client side, see at least column 4, line 58.

The Applicant argues Phaal does not disclose or suggest the relaying means. This limitation has been addressed in the rejection above. The Applicant further argues, in Phaal the connectivity link is always established and does not disclose an arrangement for impermanent connectivity. The claim limitation for the "means for relaying" does not recite an impermanent connection" Furthermore Phaal at least at col. 4, lines 49-57 disclose wherein communication between the client and server is not possible and therefore is equivalent to being an "impermanent connectivity".

The Applicant argues it would not have been obvious to select POP3 and FTP protocols. The Examiner disagrees since such a modification is merely a combination of known elements that yields predictable results.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

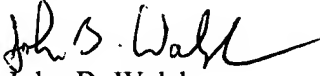
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


John B. Walsh
Primary Examiner
Art Unit 2151